United Nations CRC/C/YEM/CO/4

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the fourth periodic report of Yemen*

1. The Committee considered the fourth periodic report of Yemen (CRC/C/YEM/4) at its 1849th and 1850th meetings (see CRC/C/SR.1849 and 1850), held on 14 and 15 January 2014, and adopted, at its 1875th meeting, held on 31 January 2014, the following concluding observations.

I. Introduction

2. The Committee welcomes the submission of the fourth periodic report of the State party and the written replies to its list of issues (CRC/C/YEM/Q/4/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

II. Follow-up measures undertaken and progress achieved by the State party

3. The Committee notes with appreciation the ratification of:

(a) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in March 2007;

(b) Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto in March 2009;

(c) United Nations Convention against Transnational Organized Crime in February 2010.

4. The Committee welcomes the adoption of the following policy and institutional measures:

* Adopted by the Committee at its sixty-fifth session (13–31 January 2014).

(a) The establishment of the Forensic Committee to review all the cases where estimating the age of the perpetrator of a crime at the time when the crime was committed may be problematic, by Decree of the Minister of Justice No. 278 of 2013;

(b) The establishment of the National Committee for Combating Human Trafficking by the Prime Minister's Decree No. 6 of 2013;

(c) National Strategy to Promote Birth Registration, adopted in 2008.

5. The Committee welcomes the cooperation of the State party with the Office of the High Commissioner for Human Rights (OHCHR), in particular the formal establishment of an OHCHR field presence in the country on 26 September 2012.

III. Factors and difficulties impeding the implementation of the Convention

6. The Committee notes the challenges that the State party is facing in consolidating stability and security throughout its territory, owing to the conflict it has seen in recent years (in particular during 2011–2012) and the continuing severe economic difficulties faced by the State party and the general population, all of which impede and have impeded the implementation of the rights enshrined in the Convention.

IV. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6) of the Convention)

The Committee's previous recommendations

7. The Committee, while welcoming the State party's efforts to implement the Committee's concluding observations of 2005 (CRC/C/15/Add.267) on the State party's third periodic report, notes with regret that some of the recommendations contained therein have not been fully addressed.

8. **The Committee urges the State party to take all the necessary measures to address those recommendations from the concluding observations of the third periodic report under the Convention that have not been implemented or sufficiently implemented, particularly those related to the definition of the child, corporal punishment, harmful practices, education and the administration of juvenile justice.**

Legislation

9. The Committee welcomes the fact that recommendations made by working groups of the National Dialogue Conference include provisions guaranteeing children's rights, which are expected to be incorporated into the draft constitution. It also notes the comprehensive revision of 54 laws, bills and regulations related to children, which resulted in a package of draft amendments in line with the Convention and its Optional Protocol. However, it is concerned that divergent views on the rights of the child within the Parliament, in particular on setting the age of majority and the minimum age of marriage at 18 years, risk delaying the adoption of the draft amendments.

10. **The Committee urges the State party to expedite the process to adopt the draft amendments on the rights of the child with the aim of harmonizing its domestic**

legislation with the rights and principles of the Convention and its Optional Protocols, and to guarantee children's rights in its new Constitution.

Comprehensive policy and strategy

11. The Committee notes that the State party has adopted a number of national strategies and plans, such as the 2008 National Strategy to Promote Birth Registration, the 2007 national plan to combat harmful traditional practices (female genital mutilation) and the 2007 national plan to combat child smuggling. However, it is concerned at the reported lack of indicators to efficiently and effectively monitor the implementation of the strategies and the inadequacy of the public spending and allocations to ensure and support their implementation.

12. **The Committee urges the State party to elaborate a comprehensive policy on children and on the basis of that policy to develop a strategy containing the elements for its application. It recommends that the State party ensure the timely allocation of sufficient human, technical and financial resources for the effective implementation of national strategies related to children, and that it promote and facilitate the active involvement of children and youth, parents, non-governmental organizations (NGOs) and other interested and relevant bodies. It further recommends that the State party develop indicators and benchmarks for monitoring and evaluating the strategies and plans adopted.**

Coordination

13. The Committee is concerned that the efforts of the State party to strengthen and restructure the Higher Council for Motherhood and Childhood have not yet resulted in the establishment of a body with sufficient authority and capacity to coordinate the implementation of the Convention at all levels and sectors in the State party.

14. **The Committee urges the State party to provide the Higher Council for Motherhood and Childhood with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at cross-sectoral, national, regional and local levels. The State party should also ensure that the Higher Council for Motherhood and Childhood is provided with the necessary human, technical and financial resources for its effective operation.**

Allocation of resources

15. The Committee notes the information provided by the State party during the dialogue that a project was being developed to ensure budgetary allocations for children. However, it is concerned at the lack of specific allocations for children in the social budget of the State party. It is also concerned at the reduction of financial allocations in the social sector, in particular health and education, compared to gross domestic product and public expenditure in the State party since the Committee last considered a report of the State party in 2005, and its negative impact on children.

16. **In the light of its day of general discussion in 2007 on "Resources for the rights of the child – responsibility of States" and with emphasis on articles 2, 3, 4 and 6 of the Convention, the Committee recommends that the State party:**

(a) Ensure the implementation of the project to ensure budgetary allocations for children;

(b) Establish a budgeting process, which includes a child rights perspective and specifies clear allocations for children in the relevant sectors and agencies, including specific indicators and a tracking system;

(c) Increase substantially the allocations in the areas of health and education, including earmarked allocations for children;

(d) Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention.

Data collection

17. The Committee notes that the State party has developed a juvenile justice information system. However, it reiterates its concern at the lack of an adequate data collection mechanism allowing for the systematic and comprehensive collection of disaggregated data on all areas covered by the Convention and in relation to all groups of children (CRC/C/15/Add.267, para. 24).

18. **In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child, the Committee urges the State party to expeditiously improve its data collection system. Data should cover all areas of the Convention and should be disaggregated by age, sex, geographic location, ethnic and national origin and socioeconomic background in order to facilitate analysis on the situation of all children, particularly those in situations of vulnerability. Furthermore, the Committee recommends that the data and indicators be shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. In this context, the Committee also recommends that the State party strengthen its technical cooperation with, among others, the United Nations Children's Fund (UNICEF).**

Independent monitoring

19. The Committee notes the approval by the Cabinet, in September 2013, of the draft law on the establishment of an independent national human rights institution in the State party. It also notes that the draft law contains a chapter on the establishment of an observatory for children's rights. However, it is concerned by the delays in the adoption of the draft law in the Parliament.

20. **Taking into account the Committee's general comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child, the Committee urges the State party to expedite the adoption of the draft law establishing an independent national human rights institution and to prioritize the creation of the observatory for children's rights as a monitoring mechanism for children's rights able to receive, investigate and address complaints by children in a child-sensitive manner, ensure the privacy and protection of victims and undertake monitoring, follow-up and verification activities for victims. Furthermore, the Committee recommends that the State party ensure the independence of such a monitoring mechanism, including with regard to its funding, mandate and immunities, so as to ensure full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). To that effect, the Committee recommends that the State party seek technical cooperation from, among others, OHCHR and UNICEF.**

Dissemination and awareness-raising

21. The Committee notes the efforts of the State party to disseminate and raise awareness of the Convention. However, it is concerned at the lack of awareness of the

Convention among the public in general, including children, in particular in remote rural areas.

22. **The Committee recommends that the State party strengthen its efforts to disseminate the Convention and sensitize the public in general, including children, about children's rights through awareness-raising programmes, such as person-to-person communication campaigns targeting remote rural areas, with a view to ensuring that the public in general consider children as having rights.**

Training

23. The Committee takes note of the State party's efforts to provide training on children's rights and enhance the capacity of those professionals working for and with children to ensure children's rights. However, it is concerned that these efforts have not materialized in adequate and systematic training to effectively overcome the paternalistic attitudes towards children held by professionals working on children's issues.

24. **The Committee recommends that the State party strengthen its efforts to provide all professionals working for and with children with adequate and systematic training in children's rights, in particular law enforcement officials, teachers, media, health workers, social workers, personnel working in all forms of alternative care and migration authorities. In this respect, the State party should, among other steps, undertake awareness-raising campaigns, elaborate specific manuals and conduct capacity-building workshops.**

Cooperation with civil society

25. The Committee notes the efforts of the State party to strengthen its cooperation with civil society on issues related to children's rights. However, it regrets the scarcity of information received on the extent of the involvement of the civil society and children in the State party's reporting process.

26. **The Committee recommends that the State party continue to involve civil society, including NGOs and children's organizations, in the planning, implementation, monitoring and evaluation of policies, plans and programmes related to child rights.**

B. Definition of the child (art. 1 of the Convention)

27. The Committee notes the information provided in the replies to the list of issues on the proposals to amend the State party's domestic legislation with the aim of incorporating therein a definition of the child in line with article 1 of the Convention. However, it is concerned that the age of majority is set at 15 years. It expresses its serious concern at the absence of a legal provision setting a minimum age of marriage and at the very low age of criminal responsibility, set at 7 years, in the State party. It is further concerned at the considerable delay, since 2007, in adopting the legislative amendment that proposes to set the minimum age of marriage at 18 years, owing to opposing views within the Parliament in this regard.

28. **The Committee urges the State party to expedite the adoption of the legislative amendments so as to explicitly incorporate a definition of the child into its domestic legislation, in full compliance with article 1 of the Convention, and ensure that the age of majority is set at 18 years. It recommends that the State party take the necessary measures to ensure the adoption of the legislative amendment setting the minimum age of marriage at 18 years for girls and boys and raise the minimum age of criminal responsibility to bring it into line with international standards.**

C. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

29. The Committee is concerned at the persistence of discriminatory social attitudes against categories of children in marginalized and disadvantaged situations, including children known as Muhamasheen children, children born out of wedlock and children with disabilities, all of which have a negative impact on the enjoyment of their rights. It is deeply concerned at discrimination against girls from the earliest stages of their life and through their childhood owing to the persistence of traditional attitudes and norms by which girls are perceived as inferior to boys.

30. **The Committee recommends that the State party:**

(a) Adopt and implement a comprehensive strategy addressing all forms of discrimination, including multiple forms of discrimination against all categories of children in marginalized and disadvantaged situations, and implement it in collaboration with a wide range of stakeholders and by involving all sectors of society so as to facilitate social and cultural change;

(b) Ensure that children who are in marginalized and in disadvantaged situations, such as children known as Muhamasheen children, children born out of wedlock and children with disabilities, have access to basic services and enjoy their rights under the Convention;

(c) Take all the necessary measures to eliminate societal discrimination against women and girls by using public educational programmes, including campaigns organized in cooperation with opinion leaders, families and the media.

Best interests of the child

31. The Committee notes the 2012 amendments proposed to the Child Rights Act in accordance with which the principle of the best interests of the child would be applied in all administrative and judicial proceedings, policies and programmes relating to children. However, it is concerned at the low level of awareness among professionals working with children that the best interests of the child are to be taken as the primary consideration in all areas affecting children, and at the persistence of norms and traditions that impede the application of the principle of the best interests of the child.

32. **The Committee draws the State party's attention to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration and recommends that the State party expedite the adoption of the 2012 amendments to the Child Rights Act and ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving them due weight as a primary consideration. Such procedures and criteria should be disseminated to the public, including traditional and religious leaders, public and private social welfare institutions, courts of law, administrative authorities and legislative bodies.**

Right to life, survival and development

33. The Committee expresses its serious concern about the cases of children who have been sentenced to death and executed in the State party, including a girl who was 15 years

old at the time of committing a crime and who was executed in 2012. Notwithstanding the moratorium on the death penalty and the establishment of the Specialized Forensic Technical Committee in 2013, the Committee is concerned by the 33 cases of children who have already been sentenced to the death penalty, three of which sentences were approved by the former President. It further expresses its serious concern at the high risk faced by children in conflict with the law, in particular more than 150 children at risk of being sentenced to death due to, inter alia, the low levels of birth registration, non-guarantee of fair trial standards and the lack of clear technical criteria to determine the age of juveniles in conflict with the law.

34. **The Committee urges the State party to take specific measures to enforce article 31 of the Penal Code which prohibits the implementation of the death penalty against anybody who was under 18 years of age at the time of committing the crime. It also urges the State party to:**

(a) Ensure the definite revocation of the executions of persons who have been identified as having been under 18 at the time of committing the crime and whose cases have been submitted to the Presidential Office; and ensure the revocation of any decision to execute any other person whose case may arise in the future;

(b) Ensure that the Specialized Forensic Technical Committee undertake, without delay, the revision of all cases identified of individuals who may have been under 18 at the time of committing the crime for which they have been sentenced to death and undertake the revision of similar cases which may arise in the future; and ensure that as part of the revision of cases, the Specialized Forensic Technical Committee also conducts social assessments to corroborate forensic medical age determination;

(c) Ensure that, in those cases where there is conflicting or inconclusive evidence as to the age of a person at the time of the alleged commission of a crime, the right to the benefit of the doubt is guaranteed to the individual accused;

(d) Extend the mandate of the Specialized Forensic Technical Committee so as to ensure its involvement in and the revision of any future cases where there are doubts in determining the age of an individual accused;

(e) Undertake training and sensitization programmes for all professionals working within the judiciary on children's rights;

(f) Continue its cooperation with civil society organizations to monitor the situation of children in conflict with the law so as to identify any other cases of children at risk;

(g) Continue its cooperation with OHCHR and UNICEF in this regard.

Respect for the views of the child

35. The Committee notes as positive that the Children's Parliament has held its elections regularly since its establishment in 2004. However, the Committee expresses concern at the lack of adequate financial and technical support for holding the Children's Parliament sessions. It is also concerned that children are generally not perceived as rights holders in Yemeni society and that their participation in the public sphere and opportunities to have their voices heard in decision-making processes are lacking at the policymaking level and in the family, schools and the community.

36. **The Committee draws the State party's attention to its general comment No. 12 (2009) on the right of the child to be heard, and recommends that it take measures to**

strengthen this right in accordance with article 12 of the Convention. To that effect, it recommends that the State party:

(a) Ensure that the Children's Parliament is provided with a meaningful mandate and adequate human, technical and financial resources, in order to facilitate children's effective engagement with national legislative processes on issues that affect them;

(b) Conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, community and schools, including within student council bodies, with particular attention to girls and children in vulnerable situations.

D. Civil rights and freedoms (arts. 7, 8, and 13–17 of the Convention)

Birth registration

37. The Committee is deeply concerned that, although birth registration is free of charge, very low levels of birth registration persist in the State party. It is also concerned at the lack of reporting and monitoring of births taking place in homes, in particular in rural areas, as well as at corruption linked to birth registration, as illegal fees are requested and birth certificates are also counterfeited.

38. **The Committee reiterates its previous recommendations (CRC/C/OPSC/YEM/CO/1, para. 32) and strongly urges the State party to ensure the registration of all births, including by raising awareness among government officers, midwives, doctors, community and religious leaders and establishing civil registration mechanisms in hospitals and a registration and monitoring mechanism of births taking place in homes. It also recommends that the State party take appropriate measures to tackle corruption, inter alia, by identifying and sanctioning those responsible for charging illegal birth registration fees and for counterfeiting birth certificates.**

Nationality

39. The Committee is concerned at a discriminatory provision against children with disabilities contained in article 4 (b) of the Nationality Act No. 6 (1990), according to which one of the prerequisites for children born in the State party to foreign parents to acquire Yemeni nationality, once they have attained majority, is not to have a disability.

40. **The Committee urges the State party to repeal any discriminatory provisions against children with disabilities in the National Act No. 6 (1990), in particular article 4 (b), and ensure that all children without discrimination of any kind have the right to acquire nationality.**

Access to appropriate information

41. The Committee is concerned at the lack of information about measures put in place by the State party to ensure access to sufficient and appropriate information for children, including in rural areas.

42. **The Committee recommends that the State party take measures to ensure that children, including in rural areas, have access to sufficient and appropriate information, including through innovative and suitable means. It further recommends that the State party submit information in this regard in its next periodic report.**

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39 of the Convention)

Corporal punishment

43. The Committee notes that the Ministry of Education issued Decree No. 426 (2012) prohibiting corporal punishment in schools. However, it is concerned by the challenges to the effective implementation of this decree, such as the lack of adequate monitoring mechanisms, the teachers' preconceptions regarding corporal punishment as a disciplinary measure and the lack of accountability mechanisms. It remains concerned that corporal punishment continues to be widely used within the family, in alternative care settings and as a sentence for a crime.

44. **The Committee urges the State party to:**

(a) Explicitly prohibit in its legislation all forms of corporal punishment, including by adopting the draft amendments package on the rights of the child;

(b) Introduce sustained public education, awareness-raising and social mobilization programmes, involving children, families, communities, traditional and religious leaders, on the harmful effects, both physical and psychological, of corporal punishment, with a view to changing the general attitude towards this practice;

(c) Ensure that legal proceedings are systematically initiated against those responsible for ill-treating children;

(d) Promote positive, non-violent and participatory forms of childrearing and discipline; and

(e) Establish a child-friendly complaints mechanism.

Abuse and neglect

45. The Committee is concerned that domestic violence against children is widely associated with the assumption that parents have the right to physically punish their children as a form of discipline in the State party. It is further concerned at reports indicating that domestic violence against children could lead to their death or to disabilities and that children are also victims of sexual assault in the family sphere. The Committee notes with concern the absence of a legislative framework on domestic violence.

46. **The Committee urges the State party to adopt legislation on domestic violence and to amend the relevant legislation, including the Penal Code to criminalize domestic violence. The Committee, in line with its previous concluding observations (CRC/C/15/Add.267, para. 52), recommends that the State party:**

(a) Conduct awareness-raising and education programmes, including campaigns, aimed at preventing and responding to domestic violence, child abuse and neglect targeting parents, children and community members;

(b) Establish a national database on all cases of domestic violence against children, and undertake a comprehensive assessment of the extent, causes and nature of such violence;

(c) Establish a special complaints mechanism for children to report such ill-treatment, domestic violence and abuse;

(d) Investigate all cases of abuse and ill-treatment of children, including all forms of abuse within the family, apply sanctions to perpetrators and ensure that

publicity is given to decisions taken in such cases, with due regard to protecting the right of the child to privacy; and

(e) Ensure that all child victims of abuse and neglect are provided with support and have access to a protective shelter and psychosocial support.

Harmful practices

47. The Committee is deeply concerned that, despite the State party's efforts to combat female genital mutilation (FGM), such as by adopting a national plan to combat harmful traditional practices (female genital mutilation, FGM) in 2007, that harmful practice is still common in the coastal governorates. It is concerned at reports indicating that FGM is also prevalent in other governorates.

48. The Committee expresses its serious concern at the high prevalence of child marriage and at the widespread perception among families that marrying their daughters at a young age would preserve the family's "honour". It is further concerned at reports indicating that girls as young as 8 years have been given into marriage by their families, particularly in rural areas, and at reports stating that, during 2012, girls were forcibly married to members of the Ansar al-Sharia armed group in conflict-affected areas. It regrets the lack of information on the causes and extent of crimes committed in the name of so-called honour in the State party.

49. **The Committee urges the State party to:**

(a) Expedite the adoption of the draft amendments which explicitly prohibit and criminalize FGM and which set the minimum age of marriage at 18 years;

(b) Combat FGM, child marriage and forced marriage by, among other measures, conducting awareness-raising programmes and campaigns with a view to changing attitudes, and providing counselling and reproductive education with a view to preventing and combating FGM and child marriages, which are harmful to the health and well-being of girls;

(c) Provide detailed information in its next periodic report on the extent and causes of crimes committed in the name of so-called honour, and on measures taken to address them.

Freedom of the child from all forms of violence

50. **Recalling the recommendations of the United Nations study on violence against children of 2006 (see A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children. The Committee further recommends that the State party take into account general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and in particular:**

(a) Develop a comprehensive national strategy to prevent and address all forms of violence against children;

(b) Adopt a national coordinating framework to address all forms of violence against children;

(c) Pay particular attention to and address the gender dimension of violence;

(d) Cooperate with the Special Representative of the Secretary-General on Violence against Children and other relevant United Nations institutions.

E. Family environment and alternative care (arts. 5, 9–11, 18 (1 and 2), 20–21, 25 and 27 (4) of the Convention)

Children deprived of a family environment

51. The Committee notes the information provided by the State party with respect to the development of an alternative family care system. It reiterates its concern about the quality of care services provided to children placed in foster families (*kafalah*), and the lack of proper regulations and monitoring mechanisms for children placed under the *kafalah* system.

52. **The Committee recommends that the State party finalize the elaboration of its alternative family care system and ensures that it complies with article 25 of the Convention and that it takes into account the Guidelines for the Alternative Care of Children. It also recommends that the State party:**

(a) Ensure adequate safeguards and clear criteria, based on both the needs and the best interests of the child, for determining whether a child should be placed in alternative care;

(b) Provide support and guidance to the most vulnerable families in order to prevent children being placed in alternative care and to promote children being kept with their families;

(c) Ensure periodic review of the placement of children in *kafalah* and care institutions, and monitor the quality of care they receive, including by providing accessible channels for reporting, monitoring and remedying ill-treatment of children;

(d) Ensure that adequate human, technical and financial resources are allocated to alternative care centres and relevant child protection services, in order to facilitate the rehabilitation and social reintegration of children resident therein to the greatest extent possible.

F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1–3) and 33 of the Convention)

Children with disabilities

53. The Committee notes the efforts of the State party to ensure the rights of children with disabilities through services provided by the Disability Fund for Care and Rehabilitation and the Social Fund for Development. However, it remains concerned about the lack of accurate disaggregated statistical data on children with disabilities. It is also concerned about the lack of information on the extent and quality of services provided to children with disabilities, their actual access to health care, integration and rehabilitation services, education and measures in place to ensure accessibility to public buildings and public transportation.

54. **The Committee recommends that the State party adopt the draft national strategy for disabilities and ensure that it includes a child rights-based approach to disability, in the light of article 23 of the Convention and the Committee's general comment No. 9 (2006) on the rights of children with disabilities. In line with its previous concluding observations (CRC/C/15/Add.267, para. 54), the Committee recommends that the State party:**

(a) Assess the overall situation of children with disabilities and the extent and quality of services provided by the Disability Fund for Care and Rehabilitation and the Social Fund for Development to children with disabilities;

(b) Allocate adequate human, technical and financial resources to support their families and ensure the enjoyment of their rights;

(c) Take the necessary measures to ensure accessibility for children with disabilities in public buildings and on public transport.

Health and health services

55. The Committee welcomes the decline in the under-5 child mortality rate from 102 deaths per 1,000 births in 2003 to 77 deaths per 1,000 births in 2012 in the State party. However, it notes with concern that, despite the efforts of the State party to, inter alia, increase the number of health facilities and expand its immunization programmes, children's access to health care and services remains limited and deficient. It also welcomes the fact that the International Code of Marketing of Breast-milk Substitutes has been translated into national legislation (Council of Ministers Decree 18/2002). However, it is concerned about the lack of information on any measures taken to effectively enforce the Code. The Committee expresses its serious concern at:

(a) The high rates of chronic malnutrition (stunting) and wasting (acute malnutrition) among children, in particular among children under 5 years of age, which are the second highest rates worldwide, and at the lack of an effective mechanism to assess the effectiveness of the campaigns being conducted to raise awareness of the risks of malnutrition and steps taken to promote good practices in feeding infants and young children;

(b) The prevalence of communicable diseases among children, such as diarrhoea, owing to poor access to water and sanitation and the fact that diarrhoea is the second cause of death among children under 5;

(c) The lack of awareness about exclusive breastfeeding and the fact that the rate of exclusive breastfeeding for at least six months is very low (12 per cent); and

(d) The absence of baby-friendly hospitals.

56. **The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and recommends that the State party:**

(a) Ensure that the appropriate resources are allocated to the health sector, paying particular attention to specific maternal and child health care, and develop and implement comprehensive policies and programmes to improve the health situation of children, in particular to respond to high rates of malnutrition and diarrhoea infections;

(b) Expedite the process to join as a full member the Scale Up Nutrition initiative, and take effective measures to address the widespread and serious undernourishment affecting children;

(c) Ensure access to safe water and sanitation services in the rural and poorest areas and invest in increasing safe water resources;

(d) Enhance efforts to promote exclusive breastfeeding, by ensuring the implementation and compliance with the International Code of Marketing of Breast-milk Substitutes, and establish a monitoring and reporting system to identify violations of the Code. This includes the establishment of baby-friendly hospitals that promote breastfeeding from birth;

(e) Seek financial and technical assistance from, among others, UNICEF and the World Health Organization (WHO).

57. The Committee expresses its serious concern at the negative impact of the 2011–2012 conflict on children's access to health care and services, as it has contributed to, inter alia, the destruction and occupation of health facilities by the parties involved in the conflict, such facilities' closure, the interruption of immunization programmes and the consequent drop in immunization rates, and the outbreak of communicable diseases, such as cholera.

58. **The Committee urges the State party to strengthen its efforts to develop outreach services, including a network of mobile health-care facilities in conflict-affected areas, particularly targeting children and pregnant women, as an interim measure, and ensure that health-care facilities are rehabilitated and not occupied for military purposes by either the Armed Forces or non-State armed groups.**

Adolescent health

59. The Committee notes the information provided during the dialogue about the adoption of a health programme for adolescents in 2009 and the challenges faced in fully implementing it. It expresses its concern about the limited access of adolescents to health care and services, in particular reproductive health services, in the State party (see also the Committee's previous concluding observations, CRC/C/15/Add.267, para. 57). It is concerned at the lack of information on measures taken to ensure that adolescents have access to sexual and reproductive health education and confidential reproductive health services and information.

60. **In line with the Committee's general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, the Committee recommends that the State party strengthen its efforts to ensure universal access to reproductive health information and confidential services for boys and girls. It further recommends that the State party seek technical assistance from, among others, WHO and UNICEF.**

Mental health

61. The Committee is concerned that the mental health and well-being of children is at risk due to the extreme violence to which they have been exposed in conflict-affected areas. It is further concerned at the scarcity of information provided by the State party on how it identifies children at risk and what type of support and assistance they are given.

62. **The Committee urges the State party to adopt effective measures to address the mental-health condition of children suffering trauma and other psychological disorders in conflict-affected areas. This should include community-based efforts to identify affected children and provide accessible services at local level.**

HIV/AIDS

63. The Committee takes note of the National HIV/AIDS Prevention and Control Programme, under which 14 counselling and voluntary testing centres have been opened in 7 governorates of the State party. However, it is concerned about the scarcity of information provided on the implementation of the programme and about the limited provision of antiretroviral prophylaxis to prevent mother-to-child transmission and to care for children born to mothers with HIV. It is further concerned about the high number of cases which remain underreported due to the stigmatization of HIV/AIDS within the society at large.

64. **In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party expand the coverage of the National HIV/AIDS Prevention and Control Programme to ensure universal coverage**

for HIV-testing and free antiretroviral drugs. In doing so, the State party should pay particular attention to pregnant adolescents in rural areas, pregnant mothers with HIV and children born to mothers with HIV. The State party should seek technical assistance from, inter alia, the United Nations Joint Programme on HIV/AIDS (UNAIDS), the United Nations Population Fund and UNICEF.

Drug and substance abuse

65. The Committee reiterates its concern about the high number of people using khat, including children (CRC/C/15/Add.267, para. 69). It is concerned at the negative consequences of khat on children's health and nutrition, as its use decreases appetite, and on the development of children's personality and on their mental well-being, as its consumption can lead to addiction.

66. **The Committee reiterates its recommendation to the State party to consider khat as a dangerous substance (CRC/C/15/Add.267, para. 70) and recommends that the State party take all the necessary measures to raise awareness among community leaders, parents, teachers and other professionals working with and for children, on the risks of using khat and prohibit its use by children.**

Pesticides

67. The Committee is concerned at reports indicating that children's health has been negatively affected by the indiscriminate use of chemical pesticides in the State party. It is concerned at the lack of information on the issue and on any measures undertaken to provide adequate treatment to those children affected, as well as measures to prevent children being exposed to such substances.

68. **The Committee recommends that the State party conduct an assessment to determine to what extent children have been exposed to chemical pesticides and the consequences of exposure on their state of health and well-being. It further recommends that the State party take the necessary measures to ensure access to health care and services for children affected by chemical pesticides, and develop awareness-raising campaigns to prevent their exposure to such substances.**

G. Education, leisure and cultural activities (arts. 28, 29, 30 and 31 of the Convention)

Education, including vocational training and guidance

69. The Committee notes the efforts of the State party in the field of education during the reporting period. However, it remains concerned at:

(a) The low quality of education;

(b) The lack of adequate school infrastructure, in particular the lack of sanitation facilities in most schools;

(c) Reports indicating that school fees are charged in some public schools, despite the provisions in law stating that basic education is free;

(d) Significant disparities in the enrolment rates of girls to basic education among the governorates of the State party and the gender gap in school-enrolment rates;

(e) The persistence of traditional attitudes and beliefs that girls should not be educated, in particular in rural areas, child marriage and the low number of female teachers, all of which contribute to the high rates of girls dropping out of school;

(f) The widening gap between the rate of enrolment in school of children with disabilities and children known as Muhamasheen children and the overall nationwide rates;

(g) The limited number of schools offering vocational and technical education.

70. **The Committee recommends that the State party:**

(a) Increase the resources allocated to the education sector in order to expand, build and reconstruct adequate school facilities throughout the State party, and create an inclusive educational system that welcomes all children, including children with disabilities and children in marginalized or disadvantaged situations;

(b) Increase funding for the education of children living in the poorest areas and conflict-affected and remote districts, so as to ensure equal access to education for all children, including those in the most vulnerable and disadvantaged situations;

(c) Take the necessary measures to comply with its national legislation so as to ensure free basic education for children;

(d) Take active measures to promote the right of girls to education through social mobilization campaigns, with the aim of changing attitudes to girls' education, increase the number of adequately trained female teachers and ensure the safety of those teachers;

(e) Promote quality education by revising curricula, using interactive learning methods, employing trained teachers and incorporating vocational and technical education;

(f) Take into account general comment No. 1 (2001) on the aims of education.

71. The Committee expresses its serious concern at attacks on schools facilities and their occupation by the Armed Forces or non-State armed groups involved in the conflict, which have led to the partial or total destruction of certain school facilities and their closure since 2011. It is concerned that the State party authorities have used schools to provide shelter to internally displaced persons, a situation which has prevented children enrolled in those schools to continue their education.

72. **The Committee urges the State party to use all the necessary means to protect schools, teachers and children from attacks, and include communities and in particular parents and children in the development of measures to better protect schools.**

Rest, leisure, recreation and cultural and artistic activities

73. The Committee notes with concern that the State party has not given adequate consideration to the rights of children to rest and leisure, and to engage in play and recreational activities appropriate to their age, in accordance with the Convention. It is concerned at the information provided by the State party about the lack of playgrounds and sports grounds for children throughout the country.

74. **The Committee recommends that the State party undertake measures to ensure children have access to cultural, leisure and other educational and recreational activities, including by ensuring that they have free time after school and during holidays, in accordance with article 31 of the Convention and its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts. It further recommends that the State party take measures to ensure that public spaces are set aside for leisure and sports activities throughout its territory.**

H. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d), 38, 39 and 40 of the Convention)

Asylum-seeking and refugee children

75. The Committee notes the efforts of the State party to address the situation of refugee and asylum seekers, in particular Somalis and Ethiopians. However, the Committee is concerned that legal status of refugees and asylum seekers is governed by decrees and legal provisions that are applied inconsistently and in an ad hoc manner. It is further concerned at:

(a) The high number of unaccompanied children and/or children separated from their families who arrive to the State party in mixed migration flows, and the absence of a mechanism to provide protective measures, including the appointment of guardians;

(b) The detention of refugee and asylum-seeking children, including unaccompanied children, because of their illegal entry into the State party in detention facilities for adults – a situation which leaves them highly at risk of being sexually abused;

(c) Cases of sexual violence against refugee, asylum-seeking and internally displaced children;

(d) Difficulties faced by refugee and asylum-seeking children born out of wedlock, or without a father as a result of parental separation or the father's death, in seeking to have access to their birth certificate.

76. **The Committee recommends that the State party adopt a comprehensive legal framework in line with international standards for refugees and asylum seekers, and develop an efficient and well-founded cooperation mechanism with the Office of the United Nations High Commissioner for Refugees to identify and provide assistance to children in need of protection, especially unaccompanied refugee and asylum-seeking children. The Committee also urges the State party to:**

(a) Establish a mechanism to provide protective measures for unaccompanied children, including the appointment of guardians to, inter alia, assist children with the relevant processes and procedures;

(b) Ensure that unaccompanied children, refugees and asylum-seeking children are not detained because of illegal entry/stay and have effectively the right to seek asylum and to stay in the State party until the end of asylum procedures;

(c) Ensure the provision of adequate medical treatment, mental health care and psychosocial support to refugee, asylum-seeking and internally displaced children who fall victim to sexual violence;

(d) Ensure that all children born on its territory are properly registered at birth, without discrimination and regardless of the status of their parents, and that they fully enjoy their economic, social and cultural rights;

(e) Ratify the Convention relating to the Status of Stateless Persons, 1954, and the Convention on the Reduction of Statelessness, 1961.

Internally displaced children

77. The Committee is concerned at the situation of children who have been internally displaced from the southern and northern governorates of the State party as a result of the different armed clashes in recent years. While noting the adoption of the National Policy on Internally Displaced Persons, in June 2013, the Committee is concerned at the lack of information on the implementation of the policy, in particular those measures aimed at

addressing the needs of internally displaced children. It is particularly concerned at reports indicating the poor living conditions of internally displaced children.

78. **The Committee urges the State party to guarantee the effective implementation of the National Policy on Internally Displaced Persons (2013) and ensure that within the framework of the policy the rights and well-being of internally displaced children are guaranteed. It recommends that the State party include information in its next periodic report in this regard.**

Economic exploitation, including child labour

79. The Committee notes the adoption of Ministerial Decree No. 11 (2013), which updates the list of hazardous occupations for children. However, it is seriously concerned at the information provided by the State party, according to which the 11 per cent of all child labourers in the State party are aged between 5 and 11, while 28.5 per cent are aged between 12 and 14. It is also concerned at the inconsistencies in the State party's legislation and between its legislation and international standards regarding the minimum age for employment, in particular because the Children's Rights Act (2002) sets the minimum age for admission to employment at a lower age (14 years) than the age of completion of basic education, set at 15 years in the Public Education Act (1992). It is also concerned that the majority of children work in the agriculture and fishing sectors or as domestic servants, and at the fact that those children are forced to carry out hazardous work. The Committee is further concerned about the lack of measures to protect children labourers from abuse, including sexual abuse.

80. **The Committee recommends that the State party:**

(a) Establish in law the minimum age of employment at 15 years, in compliance with the Convention and the International Labour Organization (ILO) Convention No. 138 (1973) concerning Minimum Age for Admission to Employment;

(b) Revise the relevant legislation so as to ensure that children under 18 are not employed in dangerous or harmful professions, in accordance with ILO Convention No. 182 (2000) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

(c) Take effective measures to combat child labour and take urgent measures to remove children from hazardous work in the agriculture and fishing sectors and domestic work, and seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Office;

(d) Consider ratifying ILO Convention No. 189 (2011) concerning Decent Work for Domestic Workers.

Sale, trafficking and abduction

81. The Committee notes as positive the establishment of the National Committee to Combat Human Trafficking in early 2013, which has been tasked with drafting a law on human trafficking. It is nevertheless seriously concerned that the State party is a source country for children trafficked to neighbouring countries, in particular Saudi Arabia. It is also concerned at cases of the sale of children for the purpose of transfer of organs for profit, and the trafficking of girls for the purposes of sexual exploitation under the guise of so-called "tourism marriages" or "temporary marriages" and for the purposes of prostitution in hotels and clubs in the State party. The Committee expresses its concern at the absence of adequate measures to address and prevent the trafficking and sexual exploitation of children.

82. **The Committee urges the State party to:**

(a) Expedite the drafting and adoption of the law on human trafficking;

(b) Revise the relevant legislation so as to prohibit and criminalize sexual exploitation, including so-called "tourism marriages" or "temporary marriages", the offering of a child for the purposes of transfer of organs, and the trafficking of children; and effectively investigate, prosecute and punish the perpetrators of such practices;

(c) Adopt specific measures to protect child victims and provide them with full social reintegration and physical and psychological recovery;

(d) Carry out awareness-raising activities in order to make both parents and children aware of the dangers of both internal and external trafficking;

(e) Establish a three-digit toll-free 24-hour helpline available to all children at the national level and promote awareness of how children can access the helpline in order to effectively prevent and respond to cases of trafficking in children, the sale of children, child prostitution and child pornography;

(f) Strengthen its cooperation with neighbouring countries, such as Saudi Arabia, and enhance its efforts to cooperate with countries from the horn of Africa to combat trafficking in children;

(g) Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

Follow-up to the Committee's previous concluding observations and recommendations on the Optional Protocol on the sale of children, child prostitution and child pornography

83. The Committee regrets the lack of information with respect to the status of implementation of its 2009 concluding observations on the State party's initial report under the Optional Protocol on the sale of children, child prostitution and child pornography to the Convention (CRC/C/OPSC/YEM/CO/1), in particular that offences under the Optional Protocol are not entirely or explicitly criminalized in national legislation, such as illegal adoption, forced labour, sexual exploitation and child pornography.

84. **The Committee urges the State party to implement the recommendations contained in its concluding observations on the State party's initial report under the Optional Protocol on the sale of children, child prostitution and child pornography to the Convention and to provide comprehensive information in this regard in its next periodic report.**

Administration of juvenile justice

85. The Committee notes the efforts made by the State party to strengthen the juvenile justice system, such as the development of a juvenile justice information system in nine governorates and the inclusion of training on children's rights in the curriculum of the Police Academy and the High Judicial Institute. However, it reiterates its serious concern, expressed in its previous concluding observations (CRC/C/15/CO/Add.267, para. 75), that the minimum age of criminal responsibility is set at 7 years in the State party's Juvenile Care Act (1992). It is further concerned at:

(a) The situation of children in conflict with the law between 15 and 18 years, who are treated as adults by the justice system and held in prisons for adults, owing to

provisions in the Yemeni Juvenile Care Act which state that only children 15 years and younger should be referred to the juvenile system;

(b) The arbitrary detention of children in conflict with the law, despite having served their sentence, owing to their parents or legal guardians' inability to pay the relevant fines and/or civil compensation;

(c) Harsh conditions faced by children detained in police stations or prisons, the lack of adequate alternatives for pretrial and other forms of detention and the non-respect of fair trial guarantees;

(d) The lack of adequate human and financial resources of the juvenile justice system.

86. **The Committee urges the State party to bring its juvenile justice system fully into line with the Convention, in particular articles 37, 39 and 40 thereof, and with other relevant standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Guidelines for Action on Children in the Criminal Justice System and the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. In particular, the Committee urges the State party to:**

(a) Raise the minimum age of criminal responsibility to an internationally acceptable level;

(b) Review the relevant legislation, including the Juvenile Care Act, to ensure that children in conflict with the law between 15 and 18 years are treated as children and referred to the juvenile justice system;

(c) Increase the number of specialized juvenile court facilities to cover the 21 governorates and provided them with adequate human, technical and financial resources, designate specialized judges for children and ensure that such specialized judges receive appropriate education and training;

(d) Ensure the provision of qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings, and ensure full respect of fair trial guarantees;

(e) Ensure that all children (boys and girls) between 15 and 18 years of age are removed immediately from prisons for adults and transferred into juvenile care centres;

(f) Develop and implement legal provisions and strict procedures to ensure that children between 15 and 18 years are not sentenced to death and their cases are handled by the juvenile justice system;

(g) Take appropriate measures to ensure that children in conflict with the law are not arbitrarily detained because of their inability to pay fines and/or civil compensation related to the offence they have committed;

(h) Promote alternative measures to detention, such as diversion, probation, mediation, counselling, or community service, wherever possible, and ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it;

(i) In cases where detention is unavoidable, ensure that the children are not detained together with adults and that detention conditions are compliant with

international standards, including with regard to access to education and health services.

To that effect, the Committee recommends that the State party make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime, UNICEF, OHCHR and NGOs, and seek technical assistance in the area of juvenile justice from members of the Panel.

I. Ratification of international human rights instruments

87. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.**

J. Follow-up and dissemination

88. **The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, inter alia, transmitting them to the Head of State, the Prime Minister, relevant ministries, Parliament, the Supreme Court and local and tribal authorities for appropriate consideration and further action.**

89. **The Committee further recommends that the combined second and third periodic reports and the written replies by the State party and the present concluding observations be made widely available in the languages of the country, including through the Internet, to the public at large, civil society organizations, media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and the Optional Protocols thereto and of their implementation and monitoring.**

K. Next report

90. **The Committee invites the State party to submit its combined fifth and sixth periodic reports by 30 May 2018 and to include therein information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr. 1) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. In the event that a report exceeding the page limitation is submitted, the State party will be asked to review and resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, translation of the report for the purposes of its consideration by the treaty body cannot be guaranteed.**

91. **The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the**

harmonized guidelines on reporting, approved by the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I).